

CIRRUS LOGIC

OCT 4 2001

LEGAL DEPARTMENT



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR.	ATTORNEY DOCKET NO.
09/695,706	10/25/00	THOMSEN	50246-U/U

EXAMINER

MMC2/124

RECEIVED

TON, M

MCDERMOTT WILL & EMERY
DAVID L STEWART
600 13TH STREET NW
WASHINGTON DC 20005-3096

SEP 24 2001

ART UNIT

2816

PAPER NUMBER

McDermott, Will & Emery

DATE MAILED: 09/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

CIRRUS LOGIC

Legal Department

Date:	10-5-01	By:	WW
Action:	RS RR		
Due Date:	10-21-01		
1x	4-21-02	Sx	1-21
Final:	3-21-02		
File No.:	111-CA		
Attorney/Firm:	WEM		

POSTED

Office Action Summary

Application N .

09/695,706

Examiner

My-Trang N. Ton

Applicant(s)

THOMSEN ET AL.

Art Unit

2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-12, 28-31, drawn to a signal processing integrated circuit, classified in class 327, subclass 69.
- II. Claims 13-27, drawn to an instrumentation amplifier, classified in class 327, subclass 339.


The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as chopper circuit. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to Attorney Thomas on July 03, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).



Application/Control Number: 09/695,706
Art Unit: 2816

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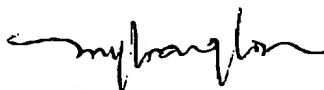
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Ton whose telephone number is 703-308-4868. The examiner can normally be reached on 7:00 a.m - 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 703-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0142 for regular communications and 703-305-0142 for After Final communications.

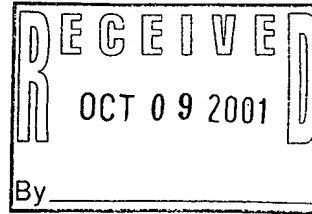
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

MT
September 18, 2001


MY-TRANG NUTON
PRIMARY EXAMINER

**CIRRUS LOGIC™**

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10/9/01

FAX CORRESPONDENCETOTAL PAGES 5

TO: Barry S. Newberger
COMPANY: Winstead
FAX: (512) 370-2850
FROM: Tammi Nelson, Patent Paralegal
DATE: October 8, 2001

SUBJECT: App. No. 09/695,706; Our Ref.: 1111-CA; Your Ref. 2836-P147US

Attached is an Office Action regarding a restriction requirement with a due date of 10/21/01. Please handle in accordance with your usual procedures.

Thanks.

IF YOU DO NOT RECEIVE ALL OF THE PAGES OF THIS TRANSMISSION, OR IF YOU EXPERIENCE TRANSMISSION DIFFICULTIES, PLEASE CALL US AT (512) 912-3800. THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN INFORMATION FROM CIRRUS LOGIC, INC. WHICH IS CONFIDENTIAL. THE INFORMATION IS INTENDED TO BE FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ON THIS TRANSMISSION SHEET. IF YOU ARE NOT THE INTENDED RECIPIENT, BE AWARE THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR USE OF THE CONTENTS OF THIS FAXED INFORMATION IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US BY TELEPHONE IMMEDIATELY SO THAT WE CAN ARRANGE FOR THE RETRIEVAL OF THE ORIGINAL DOCUMENTS AT NO COST TO YOU.

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FAX COVER SHEET

Acct # 233 Client Matter # 2836 P14745

PLEASE DELIVER TO:	PHONE NUMBER:	FAX NUMBER:
<i>Barry Harkness</i>	<i>W.S.M.</i>	
<i>LP</i>	<i>Austin</i>	

MESSAGE: Restriction Election 5
document 2
Ex 562 1

FROM: Jim Murphy PHONE NO: _____
DATE: 10/9/01 TIME IN: _____
NUMBER OF PAGES: 8 INCLUDING COVER SHEET.

If any transmission problems, please call:

<u>Sandra Lopez</u> SENDER at <u>214 245 5401</u>	FAX OPERATOR at <u>214/745-5483</u>
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